



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

**Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson**

**Tuesday, January 10, 2012**

**7:00 PM**

**Town Hall Annex - Community Room 1**

#### **SPECIAL MEETING**

**1. CALL TO ORDER**

*Mayor Somers called the meeting to order at 7:02 p.m.*

**2. ROLL CALL**

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Schmidt, Councilor Streeter and Councilor Watson

*Also present were Town Manager Mark Oefinger and Executive Assistant Nicki Bresnayan.*

**3. Calendar and Communications**

*None.*

**4. Approval of Minutes**

**2012-0008 Approval of Minutes (Committee of the Whole)**

**RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES**

RESOLVED, that the minutes of the Town Council Committee of the Whole meetings of December 13, 2011 (special and regular), December 19, 2011 and December 20, 2011 are hereby accepted and approved.

**A motion was made by Councilor Flax, seconded by Councilor Schmidt, to adopt.**

**The motion carried unanimously**

**5. NEW BUSINESS**

**2011-0256 FYE 2011 CAFR**

**Discussed**

*Director of Finance Sal Pandolfo introduced Vanessa Rossitto from Blum Shapiro and Cindy Landry, Town Treasurer. Documents previously distributed to the Council were the FYE 2011 Comprehensive Annual Financial Report (CAFR), federal and state audits, management letter, and auditor's communication letter. Mr. Pandolfo noted the audit is required by Charter. The CAFR is an information document that shows what happens financially during the fiscal year. Mr. Pandolfo provided a brief overview of the three sections of the report: Introduction, Financial, and Statistical.*

*Ms. Rossitto reviewed the Comprehensive Audit and Financial Report (CAFR). She explained that Blum Shapiro has provided an unqualified or clean opinion on the Town's financial statements. Ms. Rossitto reviewed various components of the report including fund balances and changes in the funds from previous years. There has been an increase in net assets in the internal service funds. The pension trust fund increased due primarily to good market conditions. The Other Post Employment Benefits (OPEB) fund also increased. Ms. Rossitto reviewed a summary schedule of revenues and expenditures for the General Fund on a budgetary basis.*

*Councilor O'Beirne asked about Manufacturing, Machinery and Equipment (MM&E) payments from the state. There were no payments made in 2011, but the Town was able to tax the involved*

*properties instead.*

*Federal and state single audits were conducted because the Town receives federal and state grants. Not every program is audited; audits are based on a formula. Ms. Rossitto noted that Blum Shapiro issued a finding under a couple of the federal grants relative to the Board of Education. There were no findings issued for the state single audit.*

*Councilor O'Beirne asked if the action taken by the Board of Education to address Blum Shapiro's the finding is satisfactory. Ms. Rossitto stated yes.*

*Ms. Rossitto then reviewed the management letter, which contains two comments on the Board of Education that have the same theme as the finding mentioned in federal audit. Blum Shapiro has recommended that the Board of Education focus on transactions occurring close to the end of the fiscal and that the Board establish encumbrance procedures. An encumbrance should include a formal award to the vendor by June 30th, i.e. an executed purchase order. If the purchase order is subsequently cancelled, the funds cannot be used for another vendor or purpose.*

*Councilor O'Beirne noted the significant encumbrances by both the Town and Board of Education and he asked for a list of the major items that make up the list. The Town Manager explained that the rules about encumbrances have changed over the years. Last year, the Town changed its procedure and now requires a legal commitment for an encumbrance. A goal was set to close out existing encumbrances with no legal commitment by June 30, 2012. Those funds will be returned to the General Fund. The Town Manager further explained that over the years, encumbrances have been used to set aside funds for projects supported by the Town Council and RTM, but not formally budgeted for. For example, funds have been set aside for the Plan of Conservation and Development update. Under the new policy, staff will have to ask for \$100,000 to do the project. Similarly, Town-wide Police and Fire assessments have been talked about for years, but the money was never appropriated. The funds that have been encumbered over the years for management studies will be lost on June 30th. The Board of Education has stated it will now follow the same encumbrance policy.*

*Councilor O'Beirne noted that the balance in the health insurance account is getting large and perhaps the contributions need to be decreased. The Town Manager explained that the Town's portion of the fund balance (approximately \$500,000) stays in the account.*

*Discussion followed on the Fleet Fund. The Town Manager explained the two part process: the budget identifies a contribution to the fund by each department, and then staff seeks approval to purchase vehicles. The Fleet Fund has been underfunded at 25% in the past few years and there is a need to reformatify the fund. The fund covers not only vehicle replacement, but also maintenance and fuel.*

**A motion was made by Councilor Watson, seconded by Councilor Flax, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2011-0234**

**Historic District Commission Concerns**

**Discussed**

*Chuck Nado, Kristin Vaughn, Nancy Mitchell, and Mike Sarasin from the Historic District Commission were present.*

*Mayor Somers explained that the Council invited the Historic District Commission (HDC) to the meeting as a result of public comments and concerns received by the Council. The Council would like to understand the HDC process and guidelines better. Mayor Somers expressed hope that the meeting would foster better communication and a more positive flow for HDC reviews.*

Chairman Chuck Nado explained the HDC process that consists of a preliminary meeting or meetings and discussion of the proposal. Commissioners will then look at the subject property individually. The preliminary meetings are followed by a public hearing on a Certificate of Appropriateness and the application is voted on by the Commission. The Commission looks for enough drawings to determine whether or not the proposal is appropriate. Mr. Nado noted that structures have varying degrees of significance and it is an evolving process.

Councilor Peruzzotti asked how long Commissions have been on the HDC. Answers ranged from one year to 15 years. Councilor Streeter asked if the HDC had received copies of the communications sent to the Council, and Mr. Nado stated only the initial communications from the architects were received. Councilor Streeter asked if there are any significant differences between the Town's guidelines and the state and federal guidelines. Mr. Nado stated that the state and federal guidelines are more preservation oriented, almost to the point of a museum, which is not desired by residents in the Town's districts.

Mr. Nado suggested that a recall of the Historic District would result in geodesic domes and parking lots in Mystic. Ms. Vaughn stated that the HDC is trying to preserve or enhance the area. Property values are kept up because an area looks like an historic district, not a standard developed neighborhood with contemporary construction. Ms. Vaughn suggested that historic houses do not accommodate modern living and they would be torn down if there were no Historic District. Groton Long Point is a good example.

Councilor Streeter noted receipt of concerns with the HDC's restriction on the use of modern materials. Mr. Nado stated that the HDC has allowed new materials, but it depends on how close the building is to the road. Ms. Vaughn added that each application is unique and location matters. The use of non-traditional materials depends on what the use is.

Mr. Sarasin noted that Historic District commissioners have individual views. He is more comfortable with the use of non-traditional materials and replicating a look.

Councilor Watson thanked the commissioners for their service. He noted some very strong statements made in the communications received by the Council. It was noted that all of the commissioners present live in the Historic District. They have attended local workshops. Councilor Watson encouraged the HDC to be consistent.

Mr. Sarasin noted that there are openings on the Commission. There are currently five regular members and three openings for alternates.

Mayor Somers noted that two members of the Commission must have an architectural background. Ms. Vaughn stated she has an architectural background. Mayor Somers asked that the Commission be sensitive to people going through the process. She suggested that the Commission hold information sessions on the process and use examples that show the impact of location on materials for example. She noted the concerns expressed about the lack of a quorum at HDC meetings.

Mayor Somers asked how the impact on the neighborhood is assessed by the HDC and what criteria are used. Mr. Nado stated it depends. Mayor Somers cautioned that if the assessment is very subjective, it will lead to similar problems in the future. Mayor Somers asked if a manufacturer has ever approached the Commission about why a material can't be used and Mr. Nado stated no, but they have marketed their materials. Mr. Nado suggested that the Council look closely at the applications passed, noting that the HDC has a greater than 97% rate of passage for applications.

Mr. Sarasin indicated he would support a list of acceptable materials and substitutions, with the

*stipulation that a particular look is replicated.*

*Mayor Somers stated she would send copies of the communications received by the Town Council to the HDC. She noted that in many of the communications, people suggest that it is not what the HDC says, but how the HDC says it. It is important that the Commission conduct a campaign to educate the public. The Historic District should be looked at as adding value to the Town.*

*Ms. Vaughn noted that the preliminary process can be long, but the HDC has never brushed aside an applicant or sent them away. Many people have no problem with the process.*

*Councilor O'Beirne confirmed with Mr. Nado that audio recordings are made of all HDC meetings.*

*Councilor Flax noted that the complaints are well thought out and expressed. Six architects are being driven by an inability to get something passed by the Commission. Councilor Flax asked if Commissioners ever consider changing any of the HDC's decisions. Ms. Vaughn noted one proposal for a window replacement on a fairly modern house, but the HDC had no alternatives to offer. Councilor Flax asked if there is ever middle ground on cost issues and Mr. Nado stated it depends. Sometimes the requirements are expensive, but the HDC has also saved homeowners money.*

*Ms. Vaughn noted that contractors do not always follow the plans and the Commission must allow changes. She suggested that Commissioners are stewards for the houses, preserving it for the next owner. Ms. Vaughn stated that her vision is not for the homeowner and their needs, but for the future of the building.*

*Councilor Schmidt noted that inconsistencies have left very bad feelings in neighborhoods and people are hesitant to undertake projects. Mr. Nado encouraged people to come in ahead of time for a preliminary review. Councilor Schmidt further noted that the tools that were originally available to preserve historic homes (such as lead paint) are no longer available.*

*Councilor Antipas suggested that people have done work under the radar because of the Commission's reputation. Ms. Vaughn does not feel that is an issue and she noted that any reports received are followed up on by inspection staff.*

*Discussion followed on the lack of Commission alternates, quorum difficulties, and the impact on construction timelines. Mr. Nado noted that the Commission has 65 days to make a decision according to State Statutes. The HDC Guidelines are on line. Mr. Nado agreed that more people on the Commission would mean more opinions. Alternates would be allowed to participate in discussions.*

*Councilor Streeter expressed confidence that there are two sides to the story. Councilor Peruzzotti expressed concern that there are people who do not want to work with the HDC. The Council cannot make any changes to the Commission, but must address the concerns of the citizens. Councilor Peruzzotti asked the HDC to put its best foot forward to foster communication and a positive direction.*

*Mayor Somers thanked the Commissioners for attending the meeting.*

**2011-0236**

**Town Clerk Compensation**

**Recommended for a Resolution**

*Town Clerk Betsy Moukawsher stated that she did not desire to go into executive session. She distributed and read a memo to the Council regarding her duties as Town Clerk.*

*Ms. Moukawsher noted it is the duty of the Council is to set the Town Clerk's compensation, not to conduct a performance review.*

*Councilor Peruzzotti asked about the current salary, which is \$67,397 per year. The Clerk stated she is allowed to participate in the health insurance and retirement plans. She also stated that she is a department head and expects to be compensated like the department heads.*

*Mayor Somers asked about the records retention project that was started by former Town Clerk Barbara Tarbox. Ms. Moukawsher noted that the program was never implemented and the software that was purchased is no longer supported. She noted that a new records retention schedule is distributed every year.*

*Councilor Watson stated that the Town Clerk is doing a great job, but at this point it is unknown what will happen with department heads' increases. Ms. Moukawsher noted that her training is paid for by the Town and she will be taking the clerk's exam in June.*

*Councilor Johnson agreed that the Town Clerk has done a good job, but he would not support an increase because of what else is happening in the budget.*

*Councilor Flax agreed with previous comments, but he is torn because in the third year of employment there should be some sort of increase. If there are increases for department heads, then Councilor Flax would support an increase for the Town Clerk.*

*Councilor Peruzzotti feels that someone deserves a raise after three years of continuous good service.*

*Councilor Schmidt recommended making a decision at the time the rates for the department heads are set.*

*Mayor Somers noted that the Council does not have daily interaction with the clerk so a review is not possible, nor is it relevant. The Council is only setting her compensation and the Council must decide if the Town can live with an increase or not. Personally, she does not feel the Town can.*

*Councilor Antipas feels the Town is not required to set the Town Clerk's compensation in January and the decision can be made later when department head increases are determined. Ms. Moukawsher feels that any increase would be retroactive to her start date in January.*

*Councilor Watson noted that the Council has no say in the Town Clerk's evaluation. The evaluation is conducted by the voters every four years. The Town Manager noted that department head raises are based on performance, so there is a range.*

**A motion was made by Councilor Streeter, seconded by Councilor Johnson, to not provide any additional monetary compensation to the Town Clerk this year.**

**A motion was made by Councilor Peruzzotti, seconded by Councilor Watson, to amend the motion to reconsider the Town Clerk's compensation during the budget process if the department heads receive a raise.**

**Mayor Somers feels the Town Clerk should be looked at separately from the department heads. Councilor Johnson feels that right now, the best thing for the Town is not to give a raise to the Town Clerk.**

**The motion to amend the motion failed by the following vote:**

**In Favor: 3 - Councilor Peruzzotti, Councilor Schmidt, Councilor Watson**

**Opposed: 6 - Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Councilor Streeter.**

**The motion carried by the following vote:**

**Votes:** In Favor: 8 - Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Streeter and Councilor Watson  
Abstain: 1 - Councilor Peruzzotti

**2011-0251**

**Senior Center - Modification of Scope of Ordinance**

**Discussed**

*Gary Schneider, Director of Public Works, and Doug Ackerman, Director of Administrative Services were present to address the Council. The Town Manager explained that there are a number of improvements that would be desirable at the senior center with a cost of approximately \$200,000. The project was under budget by \$2.4 million. The original ordinance will expire, so the work must be done by November 2012.*

*Mr. Schneider explained that the first item, additional power-assist doors on the larger cafeteria doors, was an oversight in the original design. The second item concerns high levels of humidity and mold in some areas. The building was designed for maximum occupation, but that has not happened yet. Certain areas must be dehumidified using a series of humidistats in the ventilation system. The third request is to provide whole-building emergency power. Mr. Schneider reviewed generator alternatives.*

*In order to utilize bond funds, the Town Council must modify the scope of the ordinance.*

*Mr. Ackerman noted that these modifications will help adapt the space to match the use of the building.*

*Town Manager Oefinger explained that the Town would not bond for just \$200,000. It would be combined with another bond authorization.*

*Mr. Schneider explained that the need for emergency power. Although the Town has had a good experience with Groton Utilities so far, this proposal plans for the worst case scenario. It was noted that only the new academic wing at Fitch is supported by a generator.*

*Councilor Flax expressed aggravation with spending additional money on the building. Mr. Schneider reiterated the issues and their root causes.*

**A motion was made by Councilor Watson, seconded by Councilor O'Beirne, Jr., that this matter be Recommended for a Resolution.**

**The motion carried by the following vote:**

**Votes:** In Favor: 8 - Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Streeter and Councilor Watson  
Opposed: 1 - Councilor Peruzzotti

*(At the meeting, consideration of referrals 2010-0232 Acquisition of Spicer Property, Thomas Road and 2011-0205 Acquisition of Fusconi Property, Crystal Lake Road was tabled to the end of the agenda.)*

**2010-0232**

**Acquisition of Spicer Property, Thomas Road**

**A motion was made by Councilor Watson, seconded by Councilor O'Beirne, Jr., to enter executive session at 9:58 p.m. to discuss the acquisition of the Spicer property on Thomas Road and to invite Town Manager Mark Oefinger to attend.**

**The motion carried unanimously**

**Discussed**

*The executive session concluded at 10:10 p.m.*

**Recommended for a Resolution**

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, to authorize the Town Manager to prepare and execute a purchase agreement for the Spicer property on Thomas Road.

The motion carried by the following vote:

**Votes:** In Favor: 8 - Mayor Somers, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Schmidt, Councilor Streeter and Councilor Watson  
Abstain: 1 - Councilor Antipas

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Watson, to refer the purchase of the Spicer property to the Planning Commission under CGS Section 8-24.

The motion carried unanimously

**2011-0205 Acquisition of Fusconi Property, Crystal Lake Road**

A motion was made by Councilor Watson, seconded by Councilor Flax, to enter executive session at 10:13 p.m. to discuss the acquisition of the Fusconi property on Crystal Lake Road and to invite Town Manager Mark Oefinger to attend.

The motion carried unanimously

Discussed

*The executive session concluded at 10:22 p.m.*

Recommended for a Resolution

A motion was made by Councilor Schmidt, seconded by Councilor Antipas, to authorize the Town Manager to prepare and execute a purchase agreement for the Fusconi property on Crystal Lake Road.

The motion carried unanimously

A motion was made by Mayor Somers, seconded by Councilor Flax, to refer the purchase of the Fusconi property to the Planning Commission under CGS Section 8-24.

The motion carried unanimously

**2012-0011 Groton Long Point Request for a Supplemental Appropriation**

Discussed

*Town Manager Oefinger explained that this item was placed on the agenda as a reminder only since Bob Congdon, President of the Groton Long Point Association, is out of town. This item will be discussed at the January 24th Committee of the Whole meeting. Councilors were asked to forward questions to the Town Manager's office.*

*The Town Manager stated that he is not sure all of the expenses in the supplemental appropriation request are highway/maintenance related. After Tropical Storm Irene, Public Works removed materials that were brought to the side of the road. The same assistance was offered to Groton Long Point, but they said they were taking care of it.*

*The Town Manager noted that if the Council wants to talk to Groton Long Point and the City of Groton about the FYE 2013 budget, that discussion should also take place on January 24th. The Council agreed.*

*Councilor Streeter asked if FEMA funds were made available for Tropical Storm Irene. The Town Manager responded that FEMA has authorized a partial payment to the Town. He does not know if expenses were submitted by Groton Long Point.*

**2012-0009 FYE 2013 Budget**

Discussed

*Mayor Somers noted this item was placed on the agenda to start the process of preparing for the budget and it is open for discussion.*

*Councilor Peruzzotti noted that a group reviewed the Outside Agencies last year and she would like to participate again. Councilor Peruzzotti noted there was a discrepancy in information*

*provided by the ambulance services last year and she would like to have a conversation with them before consideration of their budgets.*

*Councilor Flax asked about the status of discussions with the City and Groton Long Point. Town Manager Oefinger explained that there is a desire to have apples to apples information prior to starting budget discussions. The parties have met a couple of times, but they are running into difficulties because not everyone uses a definition of accounts. The City is asking for funding for the greatest number of items, so the burden has fallen on the City to identify all of the costs from a budget standpoint. Then the Town and Groton Long Point can provide the corresponding numbers. Mayor Galbraith supports the effort. Once the items are identified, the Town can consider the appropriateness of paying for them.*

*Mayor Somers asked how Councilors would like to approach the budget.*

*Town Manager Oefinger stated that he starts by asking department heads to submit a level-service budget. He then asks for alternatives representing a 2% increase and a zero dollar increase over the current year budget. It will be difficult to come in at a zero dollar increase because built in increases will have to be addressed. There is a looming situation in the fleet fund. The fund cannot continue to be funded at 25%, but increases will cause a huge differential for some departments. The Town Manager reiterated that the Council asking him to submit a budget at a certain percentage is not direction. "Direction regarding programs to save and cut would be more meaningful input.*

*Councilor Antipas asked when state revenue numbers are available. The Town Manager explained that even though we are in the second year of a biennial state budget, the numbers are already expected to change. Many times the Town does not know state revenues until after the budget is prepared and adopted. The state is in better shape this year than it was last year, but they have not even started the budget dialog yet. In general, state and federal revenues do not cover as much of the budget as they used to. The Town will plan for essentially the same number as the current year, which means the Town is already starting the budget process behind. "Another complicating factor is the revaluation. There has been a decrease in assessed values for many areas and increases in the coastal areas. Those changes do not necessarily equate to a corresponding change in taxes.*

*Councilor Streeter asked about the status of the Dunn management study. Town Manager Oefinger noted that the study is not yet completed. Mr. Dunn is working on a series of recommendations, some of which have already been implemented; others will be rolled out during the budget process. Although there may be some cost savings associated with the recommendations, they are designed to address some of the deficiencies and problems created by earlier decisions.*

*Mayor Somers asked about the meeting with state legislators. Town Manager Oefinger understood the intent was to meet with them with the Board of Education.*

## **6. ADJOURNMENT**

*A motion was made by Councilor Flax, seconded by Councilor Peruzzotti, to adjourn the meeting at 10:23 p.m.*

*The motion carried unanimously.*